

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
MIDLAND – ODESSA DIVISION**

UNITED STATES OF AMERICA, §
§
§ CRIMINAL NO. 7:22-CR-49
v. §
§
A GHORN OPERATING, INC., §
TRENT DAY, and §
KODIAK ROUSTABOUT, INC. §

**DEFENDANTS' NON-OPPOSITION TO DOCUMENT 58 AND
UNOPPOSED MOTION TO CANCEL SEPTEMBER 18 HEARING**

In Doc. 54, the defendants moved for production of various statements including grand jury testimony of corporate employees or former employees. The government responded in Doc. 57. A hearing is set for September 18 at 9:00 am.

The government has now filed a motion (Doc. 58) for an Order to produce the grand jury testimony of corporate employees or former employees who testified on in February 2023 – who we understand are the only corporate employees or former employees to have testified. That motion, if granted, and the parties' continuing discovery efforts, moot Doc. 54. Contingent on the Court granting Doc. 58, Defendants move to withdraw Doc. 54 without prejudice, and to cancel the September 18 hearing.

Respectfully submitted,

/s/ David Gerger
David Gerger
dgerger@ghmfirm.com
Matt Hennessy
mhennessy@ghmfirm.com
GERGER HENNESSY & MARTIN
700 Louisiana, Suite 2300
Houston, Texas 77002
Tel: (713) 224-4400; Fax: (713) 224-5153

/s/ Marla Poirot
Marla Poirot
marla@poirotnlaw.com
THE POIROTN LAW FIRM, PLLC
PO Box 25246
Houston, Texas 77265
Tel: (713) 816-1660

**ATTORNEYS FOR DEFENDANT
AGHORN OPERATING**

/s/Daniel Hurley
Daniel Hurley
dwh@hurleyguinn.com
HURLEY, GUINN & SINGH
1805 13th Street
Lubbock, Texas 79401
Tel: (806) 771-0700; Fax: (806) 763-8199

/s/Brian Carney
Brian Carney
Brian@carneylawfirm.net
ATTORNEY AT LAW
1202 W. Texas Ave.
Midland, TX 79701
Tel: (432) 686-8300; Fax: (432) 686-1949

ATTORNEYS FOR TRENT DAY

CERTIFICATE OF SERVICE AND CONFERENCE

I filed this motion in the Court's electronic filing system.

The United States does not oppose this motion.

/s/ David Gerger
David Gerger